

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/02/2010 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 17-21, 24, 33, 34, 37, and 43-48 are rejected under 35 U.S.C. 102(b) as being anticipated by HAMILTON et al. (5,855,424).

Regarding Claims 17, 33, and 43, HAMILTON et al. discloses liner 17 of upper freeze compartment 16 that is molded as an integral plastic member that includes a bottom 26, opposing side walls 27 and 28, a top wall 29 and a rear wall 30. HAMILTON et al. discloses a shelving support system which is illustrated for use within upper freezer compartment (Col.4, lines 11-16). The shelving support system includes a plurality of first shelf supporting sockets, generally indicated at 33, that are provided on

side wall 27 and a plurality of second shelf supporting sockets, generally indicated at 36, which are adapted to be secured at side wall 28 of liner 17 (Col.4, lines 16-21).

Each shelf supporting socket 33 is integrally formed as part of side wall 27 of liner 17. Each shelf supporting socket 33 has an opening 40 that leads from upper freezer compartment 16 into an internal cavity 42 defined by a cylindrical wall 44 and a terminal end wall 46 of the shelf supporting socket 33. As clearly shown in Figs. 2 and 3, cylindrical wall 44 defines a body portion of shelf supporting socket 33 and this body portion extends into an insulation zone 48 defined between liner 17 and a cabinet shell 6 of refrigerator 2. Insulation zone 48 is adapted to receiving insulation 50 which constitutes foamed insulation that is injected into insulation zone 48 (Col.4, lines 22-36).

Each of a second shelf supporting sockets 36 are adapted to be received in respective apertures 63 formed in side wall 28 of liner 17 (Col.4, lines 45-47). Each of said aperture 63 is preferably oblong in shape to conform to the shape of the respective shelf supporting socket 36 received therein (Col.4, lines 47-51) *(fabricating the plastic inner liner of plastic material with a receiving contour which is shaped such that on at least three sides it at least partly corresponds to an outer contour of an element to be mounted, so that the element to be mounted can be received by the receiving contour without any accessories for mounting).*

Said apertures 63 must conform in shape to the angling of front and rear socket members 59 and 61. This shaping of apertures 63 is preferable since it will assure that each second shelf supporting socket 36 can only be inserted within a respective aperture 63 at a desired angle (Col.5, lines 19-25).

After said second shelf supporting sockets 36 are inserted within said aperture 63 (*inserting the element to be mounted into the receiving contour*), insulation 50 is injected into insulation zone 48 so as to fill the volume between cabinet shell 6 and the liner 17. Once the foamed insulation 50 solidifies, each second shelf supporting socket 36 will be fixedly retained in a desired position (Col.5, lines 37-44) (*foaming a thermal foam insulation on a back of the plastic inner lining after the inserting of the element to be mounted, such that a portion of the element to be mounted remains fixed in the receiving contour and such that the receiving contour in the plastic inner lining is supported and strengthened*).

Regarding Claims 18, 21, 44, and 46, HAMILTON et al. discloses said apertures 63 (receiving contour) must conform in shape to the angling of front and rear socket members 59 and 61. This shaping of apertures 63 is preferable since it will assure that each second shelf supporting socket 36 can only be inserted within a respective aperture 63 at a desired angle (Col.5, lines 19-25).

Regarding Claims 19-20, 34, 45, 47, and 48, HAMILTON et al. discloses that additional structures can be provided on each said shelf supporting socket 36 to enable to sockets 36 to be initially retained within said apertures 63 prior to the solidifying of the foamed insulation 50 (Col.5, lines 45-48). For example, body portion 75 could be provided with an annular ridge that is spaced from annular flange 70 a distance corresponding to the thickness of liner 17 such that each shelf supporting socket 36 is snapped into a respective aperture 63 (Col.5, lines 48-53). HAMILTON et al. discloses that support rails 100 can be placed within the freezer compartment (Col.5, lines 65-66).

Regarding Claims 24 and 37, HAMILTON et al. discloses said shelf supporting socket 36 is injection molded (Col.4, line 63).

2. Claim 49 is rejected under 35 U.S.C. 102(b) as being anticipated by BANICEVIC et al. (2002/0153816).

Regarding Claim 49, BANICEVIC et al. discloses a refrigerator appliance having a reinforced drawer guide rail support assembly that comprises:

an insulated cabinet comprising an outer panel and an inner plastic liner defining a cavity therebetween filled with foam insulation and the inner liner defining opposing liner side walls and rear wall of at least one food compartment having an open front;

an insulated pull out drawer adapted to close the open front of the at least one food compartment (Page 5, Claim 27).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22-23, 25-29, 30-32, 35-36, and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over HAMILTON et al. (5,855,424) as applied to claims 17-21, 24, 33, 34, 37, and 43-48 above, and in further view of JANSEN (3,669,520).

The teachings of HAMILTON et al. are applied as described above for claims 17-21, 24, 33, 34, 37, and 43-48.

Regarding Claims 22-23 and 35-36, HAMILTON et al. is silent to a deep-drawing process. However, JANSEN teach that shaping of inner liners of refrigerators are made by a deep drawing process and a portion of a supporting arrangement for a shelf may be formed integrally with the inner liner (Col.1, lines 34-38). Therefore, it would have been obvious to one of ordinary skill in the art that the said inner liner of HAMILTON et al. may be made by a deep-drawing process as taught by JANSEN in order for a supporting arrangement for a shelf be integrally formed with the inner liner.

Regarding Claims 25, 30, 31, 38, 40, and 41, HAMILTON et al. discloses liner 17 of upper freeze compartment 16 that is molded as an integral plastic member that includes a bottom 26, opposing side walls 27 and 28, a top wall 29 and a rear wall 30. HAMILTON et al. discloses a shelving support system which is illustrated for use within upper freezer compartment (Col.4, lines 11-16). The shelving support system includes a plurality of first shelf supporting sockets, generally indicated at 33, that are provided on side wall 27 and a plurality of second shelf supporting sockets, generally indicated at 36, which are adapted to be secured at side wall 28 of liner 17 (Col.4, lines 16-21).

Each shelf supporting socket 33 is integrally formed as part of side wall 27 of liner 17. Each shelf supporting socket 33 has an opening 40 that leads from upper freezer compartment 16 into an internal cavity 42 defined by a cylindrical wall 44 and a terminal end wall 46 of the shelf supporting socket 33. As clearly shown in Figs. 2 and 3, cylindrical wall 44 defines a body portion of shelf supporting socket 33 and this body

portion extends into an insulation zone 48 defined between liner 17 and a cabinet shell 6 of refrigerator 2. Insulation zone 48 is adapted to receiving insulation 50 which constitutes foamed insulation that is injected into insulation zone 48 (Col.4, lines 22-36).

Each of a second shelf supporting sockets 36 are adapted to be received in respective apertures 63 formed in side wall 28 of liner 17 (Col.4, lines 45-47). Each of said aperture 63 is preferably oblong in shape to conform to the shape of the respective shelf supporting socket 36 received therein (Col.4, lines 47-51) *(fabricating the plastic inner liner of plastic material with a receiving contour which is shaped such that on at least three sides it at least partly corresponds to an outer contour of an element to be mounted, so that the element to be mounted can be received by the receiving contour without any accessories for mounting).*

Said apertures 63 must conform in shape to the angling of front and rear socket members 59 and 61. This shaping of apertures 63 is preferable since it will assure that each second shelf supporting socket 36 can only be inserted within a respective aperture 63 at a desired angle (Col.5, lines 19-25).

After said second shelf supporting sockets 36 are inserted within said aperture 63 *(inserting the element to be mounted into the receiving contour)*, insulation 50 is injected into insulation zone 48 so as to fill the volume between cabinet shell 6 and the liner 17. Once the foamed insulation 50 solidifies, each second shelf supporting socket 36 will be fixedly retained in a desired position (Col.5, lines 37-44) *(foaming a thermal foam insulation on a back of the plastic inner lining after the inserting of the element to be mounted, such that a portion of the element to be mounted remains fixed in the*

*receiving contour and such that the receiving contour in the plastic inner lining is supported and strengthened).*

HAMILTON et al. is silent to a deep-drawing process. However, JANSEN teach that shaping of inner liners of refrigerators are made by a deep drawing process and a portion of a supporting arrangement for a shelf may be formed integrally with the inner liner (Col.1, lines 34-38). Therefore, it would have been obvious to one of ordinary skill in the art that the said inner liner of HAMILTON et al. may be made by a deep-drawing process as taught by JANSEN in order for a supporting arrangement for a shelf be integrally formed with the inner liner.

Regarding Claims 26-29 and 39, HAMILTON et al. discloses said apertures 63 (receiving contour) must conform in shape to the angling of front and rear socket members 59 and 61. This shaping of apertures 63 is preferable since it will assure that each second shelf supporting socket 36 can only be inserted within a respective aperture 63 at a desired angle (Col.5, lines 19-25).

Furthermore, HAMILTON et al. discloses that additional structures can be provided on each said shelf supporting socket 36 to enable to sockets 36 to be initially retained within said apertures 63 prior to the solidifying of the foamed insulation 50 (Col.5, lines 45-48). For example, body portion 75 could be provided with an annular ridge that is spaced from annular flange 70 a distance corresponding to the thickness of liner 17 such that each shelf supporting socket 36 is snapped into a respective aperture 63 (Col.5, lines 48-53). HAMILTON et al. discloses that support rails 100 can be placed within the freezer compartment (Col.5, lines 65-66).

Regarding Claims 32 and 42 HAMILTON et al. discloses said shelf supporting socket 36 is injection molded (Col.4, line 63).

### ***Response to Arguments***

Applicant's arguments with respect to claims 17-49 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STELLA YI whose telephone number is (571)270-5123. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/JEFF WOLLSCHLAGER/  
Primary Examiner, Art Unit 1742

